

Unofficial Draft Copy

As of: April 10, 2013 (9:11am)

BUSINESS & LABOR

EXHIBIT NO. 2089 5
DATE 4-10-13
BILL NO. HB 579

**** Joint Resolution No. ****

Introduced By *****

By Request of the *****

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting an interim study of professional and occupational licensing boards to determine if departmental reorganizations have been beneficial or detrimental to the general public or to members of the regulated professions and occupations.

WHEREAS, professional and occupational licensing boards prior to 2001 had more autonomy than they do now, with some of the boards participating in the hiring of their own executive staff; and

WHEREAS, changes to licensing boards have taken place at least twice since 2001 when the Department of Labor and Industry became the department to which professional and occupational licensing boards were attached for administrative purposes with many of these organizational changes undertaken to improve efficiency and uniformity among the boards; and

WHEREAS, in the 63rd Legislature at least two professions have sought to declare their independence of general oversight and budgetary control by the Department of Labor and Industry with indications that the uniformity and efficiency have been detrimental to their ability to govern their professions and occupations and with concerns raised about the reorganizations

Unofficial Draft Copy

As of: April 10, 2013 (9:11am)

LC2089

expanding the government bureaucracy or cross-subsidization among boards at greater costs to some boards and their licensees than others.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine whether:

(1) reorganizations of professional and occupational licensing boards have decreased the ability of the boards to respond to and serve their licensees, set policy, and respond to public complaints and concerns;

(2) uniformity and efficiency serve a legal and public purpose without which the state or the licensing boards themselves may be subject to greater liability or costs;

(3) uniformity and efficiency remove the incentive for creative websites intended to educate the public about the professions and occupations rather than serving as only a portal for board activities;

(4) there are avenues for boards to protest indirect costs and other assessed costs over which they have no control; and

(5) independence of licensing boards would provide an adequate forum for the public for complaints or to avoid restraints of trade among competitors.

BE IT FURTHER RESOLVED, that the study coordinate with the study required under 37-1-142, MCA, of whether licensing boards

Unofficial Draft Copy

As of: April 10, 2013 (9:11am)

LC2089

remain relevant for public health, welfare, and safety so that recommendations from the study include whether, if the recommendation is not to terminate a board, that the legislature retain the current structures of boards or provide more board independence while retaining the board as a state agency with immunity for certain liability.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2014.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 64th Legislature.

- END -

{Name : Pat Murdo
Title : Legislative Research Analyst
Agency: Legislative Services Division
Phone : 444-3594
E-Mail: pmurdo@mt.gov}